

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

DECISION AND ORDER

10-CR-6085L

v.

WILLIAM CHAPPELL,

Defendant.

This Court referred all pretrial motions to United States Magistrate Judge Jonathan W. Feldman pursuant to 28 U.S.C. § 636(b). Defendant, William Chappell (“Chappell”), stands indicted on two counts relating to child pornography. Chappell moved to suppress evidence obtained when his residence was searched pursuant to a warrant issued by Village Justice David Werth, Dansville, New York.

Magistrate Judge Feldman issued a Report and Recommendation (Dkt. #28) which recommended that Chappell’s motion to suppress be denied. Chappell has filed objections to the Magistrate Judge’s Report and Recommendation, and that matter is now before me for decision.


After reviewing all the papers submitted on the motion, as well as Magistrate Judge Feldman’s Report and Recommendation and Chappell’s present objections, I find no reason to modify or reverse the conclusions in the Report and Recommendation. Magistrate Judge Feldman carefully discussed the facts and the evidence presented to the Village Justice which warranted issuance of the search warrant. I also agree with Magistrate Judge Feldman that it was not unreasonable to take the computer at issue and thereafter, based on affidavits submitted, obtain a second search warrant for contents of the computer. In sum, I believe Magistrate Judge Feldman

carefully considered the factual issues, and I believe his legal conclusion based on those facts is proper and appropriate, and I see no reason to suppress the evidence at issue.

CONCLUSION

I accept and adopt the Report and Recommendation of United States Magistrate Judge Jonathan W. Feldman (Dkt. #28). Defendant's motion to suppress physical evidence (Dkt. #20) is in all respects denied.

IT IS SO ORDERED.



DAVID G. LARIMER
United States District Judge

Dated: Rochester, New York
January 20, 2011.